2:Newcomb E-4, 5 (1951-1952) 1956
NM7 Delaware NM7

585 also speak to the couple on subsequent occasions, perhaps on the birth of a child (M.B.).

591 The place of residence of a newly married couple is something of a puzzle. In the nineteenth century it was temporarily patrilocal or matrilocal (bilocal), with friends, or by themselves (neolocal).[64] This was probably not true in early historic times; the evidence favors matrilocality. All sources are agreed that the Delawares were polygynous.[65]

595 Polygyny seems to have been more frequent in the early days. "An *Indian* may have two wives or more if he please, but it is not much in use as it was since the English came amongst them they being ready in some measure to imitate the *English* in things both good & bad."[66] Van der Donck said that "ordinarily they have but one wife, sometimes two or three, but this is generally among the chiefs."[67] The sororate [587] was sometimes practiced, and informants added that the levirate was known.[68] Trowbridge said that "many instances have been known where a man having married a widow also married her daughter, and this has sometimes been at the suggestion of the mother herself."[69]

586 Divorce.— Divorce was easy among the Delawares; either member of a marriage partnership could break the union.[70] Reasons for divorce were sterility, adultery, and any other type of incompatibility.[71] Divorce was not frequent when there were children, and in this event small children remained with the mother.[72] Heckewelder quoted a Delaware on marriage and divorce, and the account is both enlightening and entertaining:

> The Indians had not only a much easier way of getting a wife than the whites, but were also more certain of getting a good one; "For" (said he in his broken English), "White man court, — court, — may be one whole year! O may be two year before he marry! — well! — may be then got very good wife — but may be not! — may be very cross! — Well now, suppose cross! scold so soon as get awake in morning! scold all day! scold until sleep! — all one; he must keep him! White people have law forbidding throwing away wife, be he ever so cross! no! no! Squaw know too well what Indian do if he cross! — throw him away and take another! Squaw love to eat meat! no husband! no meat! Squaw do every thing to please husband! he do the same to please Squaw! live happy!"[73]

684 837 [834] Marital fidelity on the part of men does not seem to have been a major social goal, particularly during a woman's pregnancy, menstruation, and lactation, when marital relations were forbidden.[74] During this period many husbands apparently had concubines. There is one report of the social sanction of a woman's divorce from an adulterous husband. In this isolated case the husband was accused before the chief; he was

[64] Zeisberger, 1910, p. 78; O.A., N.D.
[65] Holm, 1834, p. 128; Loskiel, 1794, p. 58; Trowbridge MS., O.A., M.B., N.D.
[66] Denton, 1845, p. 9.
[67] Van der Donck, 1909, p. 202.
[68] Zeisberger, 1910, p. 88; O.A., M.B.
[69] Trowbridge MS.
[70] De Vries, 1909, p. 218; Holm, 1834, p. 128; Brainerd, 1884, pp. 171-72; Trowbridge MS.
[71] Denton, 1845, p. 9; Zeisberger, 1910, p. 85; Heckewelder, 1881, p. 154; Trowbridge MS.
[72] De Rasieres, 1909, p. 108; Trowbridge MS; O.A.
[73] Heckewelder, 1881, p. 161.
[74] Penn, 1912, p. 232; Zeisberger, 1910, p. 80.

2:Newcomb E-4, 5 (1951-1952) 1956
NM7 Delaware NM7

found guilty and the wife was "permitted to draw off his right shoe and left stocking...she then tears off the lappet that covers his private parts, gives him a kick behind, and so drives him out of the house...."[75] Husbands could punish adulterous wives by thrashing them, or could obtain a divorce by bringing them before the chief or sachem. The woman's hair was cut off, she was deprived of her property, and perhaps even of her life, if found guilty by the sachem.[76] But Denton remarked: "It is no offense for their married women to lie with another man provided she acquaint her husband, or some of her nearest Relations with it, but if not it is accounted such a fault that they sometimes punish it with death."[77] One of the culturally sanctioned mechanisms for obtaining revenge upon an adulterous spouse was suicide.[78] A man's retaliation for adultery could also be seduction of the adulterer's wife. If and when the injured husband was successful in this venture, he made the fact public so that the original adulterer would be held up for public scorn.[79]

A widow, prior to remarriage, whether his wife had died of natural or other causes, had to recompense her relatives for her loss.[80] The duration of mourning was about a year.[81] A widow during this time had to support herself; she could not be given meat since a hunter's weapons were supposed to fail if he had given meat to a widow.[82] When the year had passed, the deceased one's soul left the earth and remarriage could follow.

Death

As soon as a person died the fact of death was spread throughout the community by a crier. The crier was a woman especially appointed and paid for her services.[83] This announcement evoked loud outcrys and lamentations from the general populace. These lamentations were continued intermittently in the house where the deceased lay until burial.[84] In recent times and perhaps earlier the moccasin game was played in the dwelling where the corpse lay.[85] The body was not buried at once because it was necessary to give the supernatural forces an opportunity to restore life to the corpse.[86] The length of time the body was kept varied with the season; it was three days in summer and seven in winter.[87] During this interval the corpse was dressed in new clothes and richly adorned and painted. Before noon on the day of burial a number

[75] De Rasieres, 1909, p. 108.
[76] *Ibid.*; see also Pastorius, 1912, p. 421.
[77] Denton, 1845, p. 9.
[78] Penn, 1912, p. 232; Heckewelder, 1881, pp. 258-59; Loskiel, 1794, p. 58.
[79] Zeisberger, 1910, p. 77.
[80] Penn, 1912, p. 232.
[81] Pastorius, 1912, p. 435; Holm, 1834, p. 143; Brickell, 1842, p. 49; Trowbridge MS.
[82] Zeisberger, 1910, p. 88; Loskiel, 1794, p. 64.
[83] Lindestrom, 1925, p. 249; Heckewelder, 1881, p. 269.
[84] Zeisberger, 1910, p. 89; Heckewelder, 1881, p. 269.
[85] Harrington, 1913, p. 215; Kinietz, 1946, p. 72.
[86] Trowbridge MS; Kinietz, 1946, p. 51; J.T.
[87] Lindestrom, 1925, p. 249; Heckewelder, 1881, p. 269; Trowbridge MS; Kinietz, 1946, p. 51; M.B.

3:Zeisberger M-5 (1767-1780)1910
NM7 Delaware NM7
Iroquois NM9
Shawnee NM17

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regard them but little. They do not seem to be ashamed of their vices. For this reason, Indians themselves declare that their condition grows worse from year to year. As there is neither law nor legal penalty among them, they have nothing to fear, except that an injured one may avenge himself in the manner in which he has been injured. If one has seduced the wife of another, the offended party will seek to seduce the wife of the offender. He will keep his purpose a secret and not rest until he has obtained satisfaction, when he makes known to others what he has done, so that the original offender may hear of it.

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When, in a young female, the first menstrual discharge occurs, generally between the twelfth and sixteenth year, the Delawares generally separate such daughters from all companionship, the Monsies [Monseys] being more strict and having more ceremonies in the observance of the custom than the Miamis. They build for such a girl, separate hut, apart from the rest, where her mother or some old female acquaintance cares for her and guards her so that none may see her. Wherefore, she is also kept within the hut the whole of the menstrual period, with the blanket over her head. She is given little to eat, but regularly dosed with emetics. She is not allowed to do any work during the whole time, which generally lasts twelve days. At the end of the time, they bring her into her home, looking black, grimy and dishevelled, because she has been lying about in dust and ashes the whole time. Washed and dressed in new garments, she is allowed to be in the home, but required to wear a cap with a long shield, so that she can neither see any one readily, nor be seen. Such a covering she must wear for two months, at the end of which time she is informed that she may marry.

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The Shavanose [Shawanese] and Mingoes, however, who observe much the same custom, follow a different course in this matter. The young woman in question is allowed to remain in the house. She prepares food for those in the house, of the corn and fruits she has raised. Of such food she does not, however, herself partake, but goes to her hut, apart from the others, and there prepares and eats her food.

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Every month, during her menstrual period, a Delaware woman lives by herself in a separate hut, which is usually very

+ = element present
− = element denied
(+) or (−) = source ambiguous
• = informant could not or would not say
S = some, sometimes, or several
† or * = see Ethnographic Notes, pp. 79-137 for additional information

	Williams	Van der Donck	Lindeström	Zeisberger	Heckewelder	Johnston	Pipe	Chippa	J. W.	W. T.	E. R.	W. L.
	683	684	627	632	685	686	624	623	711	643		
Chiefs—Continued												
237. War chief chosen through vision power				+	+				+	+	+	+
238. Body of counselors †	+	+		+	+	+	+	+	+	+	+	+
239. Name *Tupwaenowuk							+		(+)	+	•	+
240. Chosen by people						+	+	•	+	+	+	+
241. Consider all matters of importance to tribe		+		+	+	+	+	+	+	+	+	+
242. Counselors and chiefs only present at council meetings		S?		S	S	+	+		S	S	S	S
243. All adults except women admitted				S				+	S	S	S	S
Justice												
244. Any mode of compelling payment of debt				+		−	−	−	−	−	−	−
245. Relatives of debtor make restitution				+	+		S		+		+	+
246. Creditor uses force							S	+	•+		+	−
247. Redress for civil injuries (theft)	•+	+	+	+	+	−	−	−	+	−	+	+
248. Injured party applies to chief		+			−		+		+		+	+
249. Any punishment inflicted by nation if restitution is made		−		−	−	−	−	−	−	−	−	−
250. Injured party has right to kill thief on second offense		−			+			+	+		+	+
251. Murder punished	+	+	+	+	+	+	+	+	+	+	+	+
252. By nation	+	−	+	−	−	−	−	−	+	•	−	+
253. Breach closed by presents		+		+	+	+	+	+	+	+	−	+
254. Amount of wampum as presents †				+	•	+	+	+	+	+	•	+
255. Lacking presents, revenge by relatives	+	+	+		+	+	+	+	+	+	+	+
256. Revenge duty of any individual		•+			−	−	−	−	•+	−	−	•+
257. Any one interfere from duty		•+				−	•	−	−	•	•	•
258. Guilty submits	+	•−				+	+	+	−	+	•	S
259. Feud arise from revenge		•+					−	−	−	−	•	−
260. Revenge approved by nation	+		+	+		+			+	+	•	+
261. Crimes: Theft	+	+		+	+	+	+	+	+	+	+	+
262. Rape		+					+		+	+	+	+
263. Adultery	+	+		+			+	+	+	+	+	+
264. Desertion of children								+	+	(+)	•+	
265. Drunkenness and slander	+							+	+	(+)		

9: Kinietz E-4, 5 (1938) 1946
NM7 Delaware NM7

settling such an affair was approved by the nation (260), and it did not give rise to a feud between the two families involved unless there was some violation of the established customs by the injured family as reported by Van der Donck (259).

Besides murder and theft, rape, adultery, desertion of children, drunkenness, and slander were considered crimes (262-65). Apparently the conception of what constituted punishment varied among the sources, for some did not regard the payment of wampum as such (266). This was the only retribution levied on the offender recorded by Van der Donck, Heckewelder, Chipps, and Pipe. Zeisberger agreed, except that in the case of adultery he said a man whose wife had been seduced awaited his opportunity and seduced the wife of the seducer. J. W. and W. L. said that failing presents, whipping and even death might be meted out in cases of persistent offenders. J. W. seemed to think that rape was always punished by death.

Another element that shows an increasingly rigorous enforcement of law and order with the passage of time is that involving the murder of a woman by her husband (269). In the first two periods this received no mention, but in the third there are statements by Johnston and Pipe that the husband would not be punished (270). Johnston said that the wife's relatives might take revenge if they considered the act unwarranted. According to the modern informants, such a murderer would be punished anyway, and there might be revenge in addition if her relatives thought the deed unwarranted.

References to the age at which adult status was reached were infrequently given by the earlier sources (267). Van der Donck and Johnston said that the matter was determined by the ability of the individual (268). Chipps said that a youth was considered a man at twenty years and was then his own master even though he could marry before that. None of the modern informants said that coming into adult status was determined by the ability of the individual, although W. L. implied as much by saying that the age was between twenty and twenty-four years. Two of the others placed the age at twenty-five years and the fourth at twenty-one. In a society that placed so much emphasis upon

Since debts were not discussed in detail in the first 686
period, we cannot tell whether their treatment was the same as Zeisberger recorded in the second period or not (244). Zeisberger said that if a debtor was unable to pay, the creditor dunned his friends who had to pay and rarely refused to do so. He thus implied that if a debtor was able to pay he was forced to do so. In the third and fourth periods the consensus was that there was no mode of compelling the payment of a debt, but that relatives or friends usually made restitution (245). Force might be used to get restitution, or, failing that, as a punishment (246). On this last element W. L. was the only dissenter. He said that force was never used because it was unnecessary, that anything borrowed was a gift and did not have to be returned unless a promise to do so was made by the borrower, and that a promise of this sort was always kept.

In spite of W. T.'s view of conditions among the Indians and 686
particularly the Delaware before much contact with the whites 177
had occurred, all of the first and second period accounts give evidence of a native mode of dealing with theft (247). It should be stated, however, that examples were said to be much more infrequent than among contemporaneous Europeans. No punishment except restitution was reported for the first offense (249). In default of restitution, J. W. said that a whipping was ordered 685
by the chief in cases of debt and theft and also as a punishment [684]
for rape. W. L. said that if wampum presents were not forthcoming from a detected thief, the chief ordered him to a whipping log where twenty-five strokes were administered for the first offense, fifty for the second, and other increases up to one hundred. Execution was not sanctioned as a punishment in default of presents, but in each of the last three periods the victim of a theft was said to have the right of killing such a defaulting thief on a subsequent offense, if caught in the act (250). This was denied by Van der Donck in the first period.

All the sources and informants were agreed that murder was 682
punished (251). Williams and Lindeström in the first period and J. W. and W. L. in the fourth were the only ones to report that the nation took any part in administering the punishment (252). However, according to Van der Donck, the chief or friends at-